IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 6328 of 2007()

[CR.NO.590/07 OF TALIPARAMBA POLICE STATION, KANNUR DT.]

: PETITIONER/ACCUSED NO.2

MUHAMMED ASHRAF, S/O. T.P.KHALID,
AGED 39 YEARS, PUTHIYA VEETTIL, KORANPEEDIKA,
PARYARAM P.O., PARIYARAM AMSOM,
TALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI

RESPONDENTS: COMPLAINANT

STATION HOUSE OFFICER,
TALIPARAMBA POLICE STATION, KANNUR DIST.
(CRIME NO.590/2007 OF TALIPARAMBA POLICE STATION,
KANNUR DISTRICT), REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6328 of 2007

Dated this the 22nd day of October 2007

O R D E R

Application for anticipatory bail. The petitioner is the second accused. Altogether there are two accused persons. First accused is the brother of the petitioner. They face allegations for offences punishable under Sections 353 and 294(b) I.P.C. The crux of the allegations against the accused persons is that when the Sub Inspector of Police intercepted the first accused in a traffic offence, he allegedly remitted the amount that was demanded as fine. But after payment of the fine, both the accused allegedly abused the Sub Inspector of Police using filthy and obscene language. He was thus obstructed from the discharge of his official duties.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of this case that the petitioner can be granted anticipatory bail.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 29/10/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only)

with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 1 p.m on 30/10/2007 and 31/10/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 29/10/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 29/10/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007